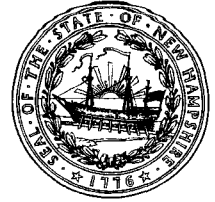




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

April 10, 2006

CERTIFIED MAIL
7000 1670 0001 2907 8811
RETURN RECEIPT REQUESTED

LETTER OF DEFICIENCY
No. WMD 06-007

Boston Analytical, Inc.
8 Industrial Way Unit D3
Salem, NH 03079-2837

Attn: Robert McBride, President

Re: Boston Analytical, Inc.
Salem, New Hampshire
EPA ID # NHD986472728

Dear Mr. McBride:

On March 9, 2006, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Boston Analytical, Inc. ("Boston") in Salem, New Hampshire. The purpose of the inspection was to determine Boston's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in Boston's hazardous waste management program were documented:

1. Env-Wm 507.01(c) – storage requirements

At the time of the inspection, one (1) 1-gallon container of hazardous waste "mixed solvents in aqueous solution" was stored in laboratory hood #7 in laboratory 5; hood #7 was equipped with a functional sink drain. There was no secondary containment for the container of hazardous waste.

Env-Wm 507.01(c) requires generators to provide secondary containment capable of containing the volume of the largest capacity hazardous waste container present when functional sink drains are located within the storage area.

DES requested that Boston provide secondary containment for containers of hazardous waste that are stored in areas with functional sink drains, or, alternatively, not store hazardous waste in areas with functional drains.

In an e-mail received on March 10, 2006 from Boston, Catherine Sweet, Senior Analyst, stated that secondary containment was provided for the satellite container in hood #7 in lab 5. No further action is required.

2. Env-Wm 507.03(a)(1)b. and d. – Container Marking

At the time of the inspection, the labpack containers in the hazardous waste storage area were not labeled with the words "Hazardous Waste." See the attached Container Inventory ("Inventory").

At the time of the inspection, the labpack containers of hazardous waste and the 55-gallon drum of vials containing mixed solvents in aqueous solutions located in the hazardous waste storage area were not marked with the EPA or state waste number. See the attached Inventory.

Env-Wm 507.03(a)(1)b. and d. requires that all containers used for the storage of hazardous waste be marked with words "Hazardous Waste" and with the EPA or state waste number.

DES requested that Boston properly mark all containers of hazardous waste at the time they are first used to store waste with the words "Hazardous Waste" and the EPA or state waste number.

In the e-mail received on March 10, 2006 from Boston, Catherine Sweet stated that the labpack bins were all marked with the words "Hazardous Waste" and the proper EPA/state waste code by affixing a sticker to each bin and the 55-gallon drum outside the hazardous waste storage area was labeled with the proper EPA/state waste code. No further action is required.

3. Env-Wm 509.02(a)(1) – Inspection Requirements

At the time of the inspection, Boston had not documented 1 out of the required 52 weekly inspections of the main hazardous waste storage area during the last year.

Env-Wm 509.02(a)(1), which references 40 CFR 265.15, General Inspection Requirements, requires full quantity generators to conduct and document inspections of the facility, including the hazardous waste storage area(s). Per 40 CFR 265.15(d), the inspection records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions taken.

DES requested that Boston ensure that weekly inspections of the hazardous waste storage area are routinely recorded on the inspection checklist.

Maintaining compliance with the hazardous waste rules is a challenging undertaking, and despite a minor area noted for improvement, Boston has demonstrated a high level of achievement in ensuring that the hazardous waste storage area is inspected weekly. It is obvious that Boston takes its obligation to inspect the hazardous waste storage area very seriously, and is commended for its performance.

At the time of the inspection, DES personnel verified that inspections are currently being recorded in an inspection checklist. No further action is required.

4. Env-Wm 509.02(a)(2) – Personnel Training

The following emergency coordinators had not received annual hazardous waste training reviews for the years noted:

1. Robert McBride – 2004 and 2005;
2. Gary Feinstein – 2005; and
3. Paul Guerin – 2005.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that initial training and annual reviews are conducted for personnel handling hazardous waste, and requires full quantity generators to maintain specific documents and records related to personnel training. 40 CFR 265.16(b) also requires facility personnel to complete the program of training within six months of employment or assignment to a new position.

DES requests that Boston conduct and document hazardous waste training and annual reviews for all employees who have hazardous waste management responsibilities, including the emergency coordinators; and ensure that training is completed within six months of employment or assignment to a new position.

In a fax received on March 28, 2006 from Boston, Michele Phair, Finance Manager, stated that the training for the emergency coordinators is scheduled for Wednesday, April 5, 2006. Boston also stated that Paul Guerin has left the company and Kerry Hunter will be taking her place. Please provide written documentation showing that the emergency coordinators have received the required hazardous waste training.

5. Env-Wm 509.02(a)(5) – Contingency Plan

At the time of the inspection, Boston's contingency plan was confirmed to be incomplete. Specific deficiencies are listed in the attached Contingency Plan Module.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requests that Boston revise and update its contingency plan to correct any deficiencies as identified in the enclosed Contingency Plan Module.

6. Env-Wm 509.03(g) – Satellite Storage Container Marking

At the time of the inspection, two (2) satellite storage container of hazardous waste from the Karl Fischer Instruments (#3 and #4) in laboratory 5 was not marked with the words "hazardous waste" and words that identify the contents of the container. See the attached Inventory.

Also, at the time of the inspection, two (2) satellite storage containers of hazardous waste from the Karl Fischer Instruments (#3 and #4) located in laboratory 5 and one (1) 15-gallon satellite storage container of hazardous waste located in laboratory 3 were not marked with words that identify the contents of the containers.

Env-Wm 509.03(g) requires that at the time the satellite storage container(s) is first used to store wastes, the hazardous waste container(s) is marked with the words "hazardous waste" and words that identify the contents of the container(s).

DES requested that Boston properly mark all hazardous waste satellite storage containers at the time they are first used to store waste with the words "hazardous waste" and words that identify the contents of the container.

Boston personnel properly labeled these satellite containers at the time of the inspection. No further action is required.

7. Env-Wm 1102.03(c)(1) – Universal Waste Lamp Management

At the time of the inspection, one (1) container of universal waste lamps was not closed. See the attached Inventory.

Env-Wm 1102.03(c)(1) requires universal waste containers to be closed, except when universal waste is being added to or removed from the container.

DES requested Boston to ensure that all containers of universal wastes are closed, except when universal waste is being added to or removed from the container.

Boston personnel closed the container of universal waste lamps at the time of the inspection. No further action is required.

DES believes the remaining portion of the cited deficiencies can be corrected and a report describing the corrective measures taken by Boston can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Boston including issuing an order requiring that the deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may re-inspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Tammy Calligandes, Waste Management Specialist
DES/WMD
P.O. Box 95
Concord, NH 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment, and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline, which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at (1-866) HAZ-WAST (in-state only) or (603) 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Tammy Calligandes, or Tod Leedberg, RCRA Compliance Supervisor at 271-2942. Thank you for your cooperation.

Sincerely,



John J. Duclos, Administrator
Hazardous Waste Compliance Bureau
Waste Management Division

cc: DB/RCRA/LOD/Archives
Gretchen Hamel, Administrator, DES Legal Unit
Anthony P. Giunta, P.G., Director, WMD/ Paul L. Heirtzler, P.E., Esq., Administrator, WMD
Scott Nadolski, QA Manager, Boston Analytical, Inc.
LeeAnn DelMonte, ENPRO Services

cc: JJD/SD

Enclosure: Hazardous Waste Generator Inspection Report